



General Assembly

Amendment

February Session, 2016

LCO No. 5784



Offered by:
SEN. FONFARA, 1st Dist.

To: Subst. Senate Bill No. 463

File No. 717

Cal. No. 509

***"AN ACT CONCERNING THE PENALTY FOR VIOLATIONS OF A
MUNICIPAL ORDINANCE CONCERNING THE OPERATION OF A
DIRT BIKE, ALL-TERRAIN VEHICLE OR MINI-MOTORCYCLE."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 14-390m of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2016*):

5 (a) Any municipality that adopts an ordinance pursuant to section
6 7-148, as amended by this act, to regulate the operation and use on
7 public property, including hours of use, of dirt bikes or mini-
8 motorcycles may prescribe a penalty for violation of such ordinance (1)
9 in an amount not to exceed one thousand dollars for a first violation, in
10 an amount not to exceed one thousand five hundred dollars for a
11 second violation and in an amount not to exceed two thousand dollars
12 for a third or subsequent violation, and (2) in the case of a municipality
13 with a population of twenty thousand or more, to provide for the
14 seizure and forfeiture to the municipality of such dirt bike or mini-

15 motorcycle for violation of such ordinance, subject to any bona fide
16 lien, lease or security interest in the dirt bike or mini-motorcycle,
17 including, but not limited to, a lien under section 14-66c.

18 (b) No dirt bike or mini-motorcycle shall be forfeited under an
19 ordinance adopted pursuant to this section to the extent of the interest
20 of an owner or lienholder by reason of any act or omission committed
21 by another person if such owner or lienholder did not know and could
22 not have reasonably known that such dirt bike or mini-motorcycle was
23 being used or was intended to be used in violation of a municipal
24 ordinance.

25 (c) Any dirt bike or mini-motorcycle ordered forfeited pursuant to
26 such an ordinance shall be sold at public auction conducted by the
27 municipality. The proceeds of such sale shall be paid to the treasurer of
28 the municipality, who shall deposit such proceeds into the general
29 fund of the municipality.

30 (d) For the purposes of this section [,] and section 7-148, as amended
31 by this act, (1) "dirt bike" means a two-wheeled motorized recreational
32 vehicle designed to travel over unimproved terrain and not designed
33 for travel on a highway, as defined in section 14-1. "Dirt bike" does not
34 include an all-terrain vehicle, as defined in section 14-379, or a motor-
35 driven cycle, as defined in section 14-1, and (2) "mini-motorcycle" has
36 the same meaning as provided in section 14-289j.

37 Sec. 2. Section 14-390 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2016*):

39 (a) Any municipality may, by ordinance, regulate the operation and
40 use, including hours and zones of use, of snowmobiles and all-terrain
41 vehicles in a manner not inconsistent with the provisions of this
42 section and sections 14-379 to [14-390] 14-389, inclusive, or any
43 regulations adopted pursuant thereto, and may prescribe a penalty for
44 violation of such ordinance (1) in an amount not to exceed one
45 thousand dollars for a first violation, in an amount not to exceed one
46 thousand five hundred dollars for a second violation and in an amount

47 not to exceed two thousand dollars for a third or subsequent violation,
48 and (2) in the case of a municipality with a population of twenty
49 thousand or more, to provide for the seizure and forfeiture to the
50 municipality of such all-terrain vehicle for a violation of such
51 ordinance, subject to any bona fide lien, lease or security interest in the
52 all-terrain vehicle, including, but not limited to, a lien under section 14-
53 66c.

54 (b) No all-terrain vehicle shall be forfeited under an ordinance
55 adopted pursuant to this section to the extent of the interest of an
56 owner or lienholder by reason of any act or omission committed by
57 another person if such owner or lienholder did not know and could
58 not have reasonably known that such all-terrain vehicle was being
59 used or was intended to be used in violation of a municipal ordinance.

60 (c) Any all-terrain vehicle ordered forfeited pursuant to such an
61 ordinance shall be sold at public auction conducted by the
62 municipality. The proceeds of such sale shall be paid to the treasurer of
63 the municipality, who shall deposit such proceeds into the general
64 fund of the municipality.

65 Sec. 3. Subdivision (10) of subsection (c) of section 7-148 of the 2016
66 supplement to the general statutes is repealed and the following is
67 substituted in lieu thereof (*Effective October 1, 2016*):

68 (10) (A) Make all lawful regulations and ordinances in furtherance
69 of any general powers as enumerated in this section, and prescribe
70 penalties for the violation of the same not to exceed two hundred fifty
71 dollars, unless otherwise specifically provided by the general statutes.
72 Such regulations and ordinances may be enforced by citations issued
73 by designated municipal officers or employees, provided the
74 regulations and ordinances have been designated specifically by the
75 municipality for enforcement by citation in the same manner in which
76 they were adopted and the designated municipal officers or employees
77 issue a written warning providing notice of the specific violation
78 before issuing the citation, except that no such written warning shall

79 be required for violations of a municipal ordinance regulating the
 80 operation or use of a dirt bike, [or] all-terrain vehicle or mini-
 81 motorcycle;

82 (B) Adopt a code of ethical conduct;

83 (C) Establish and maintain free legal aid bureaus;

84 (D) Perform data processing and related administrative computer
 85 services for a fee for another municipality;

86 (E) Adopt the model ordinance concerning a municipal freedom of
 87 information advisory board created under subsection (f) of section 1-
 88 205 and establish a municipal freedom of information advisory board
 89 as provided by said ordinance and said section;

90 (F) Protect the historic or architectural character of properties or
 91 districts that are listed on, or under consideration for listing on, the
 92 National Register of Historic Places, 16a USC 470, or the state register
 93 of historic places, as defined in section 10-410."

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2016	14-390m
Sec. 2	October 1, 2016	14-390
Sec. 3	October 1, 2016	7-148(c)(10)